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9 *Counsel for Jorge Abraham Lomeli-Lopez*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JORGE ABRAHAM LOMELI-LOPEZ,

16 Defendant.

Case No.: 2:20-mj-00358-EJY

**STIPULATION TO CONTINUE
INITIAL APPEARANCE**

(Second Request)

17 IT IS HEREBY STIPULATED AND AGREED by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney,
19 counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge
20 Abraham Lomeli-Lopez, that the Initial Appearance/Arraignment and Plea currently
21 scheduled for December 10, 2020 at 11:00 a.m. be vacated and set to a date and time
22 convenient to this Court, but no sooner than ninety (90) days.

23 The Stipulation is entered into for the following reasons:

- 24 1. The defendant is out of custody and does not object to the continuance.
- 25 2. The parties agree to the continuance.
- 26

1 3. The requested time is not for purposes of delay. The Defendant, Mr. Lomeli has
2 tested positive for COVID-19 and cannot attend the hearing. (Exhibit 1)

3 4. Additionally, denial of the continuance could result in a miscarriage of justice.
4 The additional time is excludable in computing the time within which the trial must
5 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
6 outlined in §3161(h)(7)(B)(i), (iv).

7
8 This is the Second stipulation to continue the Initial Appearance/Arraignment and
9 Plea.

10
11 DATED: December 7, 2020

12 Submitted By: LEVENTHAL & ASSOCIATES, PLLC

13 By /s/ Todd M Leventhal
14 TODD M. LEVENTHAL
15 Counsel for Defendant

By /s/ Rachel Kent
RACHEL KENT
Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

Case No.: 2:20-mj-00358-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the
Court finds that:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The requested time is not for purposes of delay. The Defendant, Mr. Lomeli has tested positive for COVID-19 and cannot attend the hearing. (Exhibit 1)
4. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
3 outlined in §3161(h)(7)(B)(i), (iv).


4
5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting the requested continuance outweigh the best
7 interest of the public and the defendant in a speedy trial because the failure to grant it would
8 likely result in a miscarriage of justice. This continuance is excludable under the Speedy
9 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),
10 (iv).

11
12 **ORDER**

13 IT IS FURTHER ORDERED that the Initial Appearance/Arraignment and Plea
14 currently scheduled for December 10, 2020 at the hour of 11:00 a.m., is vacated and
15 continued to March 25, 2021 at the hour of 11:00 a.m. in Courtroom 3D.

16 DATED this 8th day of December 2020.

17
18 BY: 
19 HONORABLE ELAYNA J YOUCHAH
20 United States Magistrate Judge
21
22
23
24
25
26

Jorge



Salud



Visitas



Mensajería



Facturación



Recursos



Perfil

Coronavirus19U

Results

CriticalStatus: **Final result** (Collected: 12/2/2020 01:17)

Patient Information

Patient Name	Sex	DOB
Lomelilopez, Jorge	Male	██████ 1983



Coronavirus19U

Order: 49117282

Status: **Final result** Visible to patient: **Yes**
 (UMConnect) Dx: **Contact with and (suspected) exposure...**

Component

1d ago

CORONAVIRUS19U

DETECTED !!

Comment: Critical results call not applicable.

12/2/2020 10:30:54 PM PST

Testing was performed using the Thermo Fisher 7500 Real-Time PCR Covid-19 assay.

Negative results do not preclude SARS-CoV-2 infection and should not be used as the sole basis for patient management decisions. Negative results must be combined with clinical observations, patient history, and epidemiological information.

False-negative results may occur if the virus is present at a level that is below the analytical sensitivity of the assay or if the virus has genomic mutations, insertions, deletions or rearrangements if performed very early in the course of illness.

As with other tests, false-positive results may occur. Repeat testing or testing with a different device may be indicated in some settings.

This is a qualitative test and does not provide the quantitative value of detected organisms present.